

FILED
In Open Court
USDC, Mass.
Date 12/16/05
By Tanner Smith
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) Criminal No. 05-CR-10225
) (GAO)
 v.)
)
 JERMAINE N. POLITANO)

FINAL STATUS CONFERENCE REPORT

The parties in the above-entitled criminal matter, the United States of America (the "government") and the above-referenced defendant hereby submit this Final Status Conference Report, pursuant to Local Rule 116.5(C)(1)-(8).

1. Whether there are outstanding discovery issues not yet presented or resolved by the Court.

No. There are no outstanding discovery issues that need to be resolved by the Court.

2. Whether a party anticipates providing additional discovery as a result of its future receipt of information, documents, or reports of examinations or tests.

The government anticipates that, unless there is a stipulation and should the case proceed to trial, the government expects to call an expert witness as to guns/ammunition in this case and will provide defense with these materials 30 days prior to trial. Defendant will provide any expert materials 14 days before trial.

3. Whether defendants intends to raise a defense of insanity or public authority.

No.

4. Whether the government has requested notice of alibi by the defendant and, if so, whether the defendant has timely responded.

The government did request notice of alibi, but the defendant has yet to respond.

5. Whether the defendants have filed, or intend to file, any motion to sever, dismiss, or suppress, or any other motion requiring a ruling by the District Court before trial.

No, the defendant does not plan to file any motion at this time.

6. Whether a schedule should be set concerning any matter in the case other than trial.

No.

7. Whether the parties have discussed the possibility of an early resolution of the case without a trial and if so, the results of that discussion.

The parties have discussed the possibility of an early resolution without trial. Early resolution without trial is likely.

8. Whether there are periods of excludable delay under the Speedy Trial Act as to which the parties agree, and what they are, and whether there are any disagreements, and what they are, to enable the Magistrate Judge to rule on periods of excludable delay at the Final Status Conference.

5. Speedy Trial Act Calculations

The parties have conferred on the periods excludable from all Speedy Trial Act calculations and jointly submit that the following periods are excludable:

9/22/05-10/20/05 Automatic discovery 28 days excluded/
Interests of Justice

10/21/05-10/30/05 10 days counted

10/31/05-12/16/05 Interests of Justice

The parties are requesting that the time between the filing of this status report and the date of the next court appearance be excluded from all Speedy Trial Act calculations in the interests of justice to allow the parties to finalize a resolution of this case without trial.

As of the Final Status Conference, 10 days will have been counted and 60 days will remain under the Speedy Trial Act.

9. The estimated length of trial.

One week.

Respectfully submitted,

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Dated: December 16, 2005


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Dated: December 16, 2005